

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TRANSAMERICA INVESTMENT §
GROUP, INC. dba SKY CARGO §
SOLUTIONS, INC. §
§ Plaintiff, §
§ §
v. § CIVIL ACTION NO. 4:12-cv-01102
§
TRAVIS M. HAMILTON, §
§
Defendant. §

TRAVIS M. HAMILTON'S ANSWER

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

COMES NOW, Defendant Travis M. Hamilton (“Hamilton”) and files this Answer to Transamerica Investment Group, Inc. dba Sky Cargo Solutions, Inc.’s (“Sky Cargo”) First Amended Petition (“Complaint”), and in support thereof, shows as follows:

I. Discovery Control Plan

1. Hamilton denies that discovery under Level 2 of Texas Rule of Civil Procedure 190.3 is applicable in this case.

II. Parties

2. Hamilton admits the statement in paragraph 2 of the Complaint.

3. Hamilton admits that he is an individual but denies that he conducts business in the State of Texas. Hamilton admits that he currently resides in Oklahoma. Hamilton admits that he has

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not designated a resident agent for service of process in Texas but denies that he may be served by serving the Texas Secretary of State. Hamilton admits that he resides at 5616 North Georgetown Road, Edmond, Oklahoma.

III. Venue and Jurisdiction

4. Hamilton denies the allegations in paragraph 4 of the Complaint.

IV. Alleged Facts

5. Hamilton denies the allegations in paragraph 5 of the Complaint.

6. Hamilton denies the allegations in paragraph 6 of the Complaint.

7. Hamilton denies the allegations in paragraph 7 of the Complaint.

8. Hamilton admits that the six aircraft were sold. Hamilton admits that he did not make any payment to SkyCargo in connection with the sale of the six aircraft and that John Berry has requested payment. Hamilton denies that SkyCargo is entitled to any payment in connection with the sale of the six aircraft.

V. Causes of Action

A. Breach of Contract

9. Hamilton incorporates herein his answers in Section IV above.

10. Hamilton denies the allegations in paragraph 10 of the Complaint.

11. Hamilton denies the allegations in paragraph 11 of the Complaint.

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B. Quantum Meruit

12. Hamilton incorporates herein his answers in Section IV above.
13. Hamilton denies the allegations in paragraph 13 of the Complaint.

VI. Conditions Precedent

14. Hamilton denies the allegations in paragraph 14 of the Complaint.

Conclusion

The remainder of the Complaint constitutes a prayer for relief, a response to which is not required. Nevertheless, Hamilton denies that the SkyCargo is entitled to any relief against Hamilton.

Affirmative Defenses

SkyCargo's claims are barred because:

15. SkyCargo has failed to state a claim against Hamilton upon which relief can be requested.
16. There is a defect in the parties.
17. Hamilton is not liable in the capacity in which he has been sued.
18. There is a failure to perform conditions precedent.
19. There is a failure of consideration.
20. of a revocation.

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21. of unclean hands.
22. of the Statute of Frauds.

WHEREFORE, Defendant Travis Hamilton prays that the court enter a judgment that Transamerica Investment Group, Inc. dba Sky Cargo Solutions, Inc. take nothing as to Travis Hamilton, dismissing Plaintiff's suit against Hamilton with prejudice, accessing costs against Plaintiff, and awarding Hamilton such other and further relief, both at equity and at law, to which he is entitled.

Respectfully submitted,

PATTON BOGGS LLP

/s/ Constance R. Ariagno
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ATTORNEYS FOR DEFENDANT
TRAVIS M. HAMILTON

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer has been sent by certified mail, return receipt requested, and facsimile, to: William W. Rucker 3355 West Alabama, Suite 825 Houston, TX 77098; fax 713-528-2800 on this 11th day of June, 2012.

/s/ Constance R. Ariagno
Constance R. Ariagno